

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
) Case No. 3:13CR167
v.)
)
JAMES ALEXANDER SHEPHERD)

**ORDER TO ACCEPT EARLY
PAYMENT OF MONETARY PENALTIES**

UPON CONSIDERATION of the Joint Motion to Accept Early Payment of Monetary Penalties and having been advised or determined the following:

1. The parties to this matter have reached a plea agreement that has been accepted by the Court. The Defendant has been advised that restitution is mandatory in this matter and will be ordered by the Court at the time of sentencing.
2. The Defendant has agreed, as part of the aforementioned plea agreement, to make a good faith effort to pay restitution on or before the date of sentencing. The United States is advised that Defendant is now, or may soon be, in possession of certain funds that Defendant wishes to use to partially satisfy his restitution obligation. The United States is further advised that the Defendant wishes to place these funds in the registry of the Court as soon as practicable.
3. The United States is advised that Defendant recently received a check in the amount of \$22,454.38 made payable to Shepherd Major Play Option Fund LP which the Defendant, as General Partner for said Fund, intends to deposit into Defense Counsel's client trust account so that the funds may ultimately be used to partially satisfy Defendant's restitution obligation.
4. The United States is advised that Defendant recently sold two items of personal property, namely a Rolex watch and a 2010 Cadillac Escalade. Net proceeds from the sales of

the properties, in the amounts of \$4,500 and \$5,249.06 respectively, have been deposited into Defense Counsel's client trust account so that the funds may ultimately be used to partially satisfy Defendant's restitution obligation.

5. The United States is advised that Defendant recently sold his 1/2 interest in a vacant parcel of property located in Pinehurst, North Carolina, to his wife. Proceeds in the amount of \$4,000 realized from the sale of the property have been deposited into Defense Counsel's client trust account so that the funds may ultimately be used to partially satisfy Defendant's restitution obligation.

6. The United States is advised that Defendant maintains a financial account held in the name of Shepherd Major Play Option Fund LP at BB&T (hereinafter "BB&T account") which has a balance of \$63,726.01 as of September 10, 2013. The BB&T account is currently frozen pursuant to an order obtained by the Commodity Futures Trading Commission at the request of the National Futures Association. Defendant has agreed to request that the freeze be lifted so that Defendant may transfer the entire account balance to Defense Counsel's client trust account so that the funds may ultimately be used to partially satisfy Defendant's restitution obligation.

The Court hereby directs the United States District Clerk of Court to accept and deposit prepayment of the monetary penalties in this matter and to order distribution of the funds upon entry of the judgment in accordance with the terms of the judgment.

Signed: December 19, 2013



Robert J. Conrad, Jr.
United States District Judge

